

REMARKS

Favorable reconsideration of this application, in light of the present amendment and following discussion, is respectfully requested.

Claims 1, 3-6, 8-11, 13-16, and 18-30 are pending; Claim 31 has been cancelled; Claims 18 and 26 have been amended; and no claims have been newly added herewith. It is respectfully submitted that no new matter has been added by this amendment.

Regarding the rejection of Claim 31 under 35 U.S.C. § 102(b) as anticipated by Hamada et al. (U.S. Pat. No. 6,246,463, hereafter Hamada), this rejection has been obviated by this amendment, as this amendment cancels Claim 31.

As for the rejection of Claims 1, 4-6, 9-11, 14-16, 19-21, 23, and 27-30 under 35 U.S.C. § 103(a) as unpatentable over Naiki et al. (U.S. Pat. No. 6,101,018, hereafter Naiki) in view of Hamada, this rejection is respectfully traversed.

At the outset, as noted in MPEP § 2145, “There must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify or combine reference teachings.” Additionally, “It is improper to combine references where the references teach away from their combination.” MPEP § 2145 (*see also, In re Grasselli*, 713 F.2d 731, 743, 218 U.S.P.Q. 769, 779 (Fed. Cir. 1983)).

Independent Claims 1, 6, 11, 16, 21, and 27-30 all recite that any one of the three or more laser beams is used as a clock laser beam configured to determine a timing of starting each main scanning.

Naiki, by contrast (as admitted in the Office Action at page 3), does not disclose or suggest that any one of the laser beams are used as a clock laser beam to determine a time of starting each main scanning. In fact, it is respectfully submitted that Naiki teaches away from the use of a clock laser beam to control scanning time.

Specifically, Naiki describes that a host computer 40 reads the low density or high density code added to the image data, generating an image density signal. The clock signal generator 44 contains a clock frequency switching circuit 45. On the basis of the image density signal, the clock frequency switching circuit 45 changes the clock frequency of drive signals for the light emitting points 2a to 2d into a frequency responsive to the image density.¹

From this description, it is evident that Naiki relies upon the clock signal generator 44 to control printing timing. Therefore, one of ordinary skill in the art would not be motivated to include a laser functioning as a clock timer. Therefore, the proposed combination of Naiki with the clock laser beam of Hamada is contrary to the teachings of Naiki, and it is respectfully submitted that the combination of Naiki and Hamada as applied by the outstanding Office Action is improper. It is therefore respectfully requested that the rejection of Claims 1, 4-6, 9-11, 14-16, 19-21, 23, and 27-30 be withdrawn.

Likewise, regarding the rejection of dependent Claims 3, 8, 13, 18, and 26 under 35 U.S.C. § 103(a) as unpatentable over Naiki in view of Hamada as applied to Claims 1, 2, 6, 11, and 16, and further in view of Nakayama (JP 5-6077), that rejection is traversed. As noted above, independent Claims 1, 6, 11, 16, and 21, from which Claims 3, 8, 13, 18, and 26 respectively depend, recite that any one of the three laser beams functions as a clock laser.

As further noted above, the combination of Naiki and Hamada is improper, and Nakayama does not remedy the above-noted defects of the applied combination of Naiki and Hamada. Therefore, it is respectfully submitted that the Office Action has failed to provide a *prima facie* case of obviousness with regard to Claims 3, 8, 13, 18, and 26, and it is respectfully requested that this rejection be withdrawn.

¹ Naiki, col. 7, lines 8-10 and 53-58.

Regarding the rejection of Claim 22 under 35 U.S.C. § 103(a) as unpatentable over Naiki in view of Hamada and further in view of Ito (U.S. Pat. No. 5,471,236), that rejection is also traversed. As noted above, the combination of Naiki and Hamada, as applied by the outstanding Office Action, is the result of hindsight reconstruction, and is contrary to the teachings of Naiki.

Because Ito does not remedy the defects above-noted with respect to Naiki and Hamada, it is respectfully submitted that the Office Action has failed to provide a *prima facie* case of obviousness with regard to Claim 22. It is therefore respectfully requested that this rejection be withdrawn.

As for the rejection of Claim 24 under 35 U.S.C. § 103(a) as unpatentable over Naiki in view of Hamada, and further in view of Kitamura (U.S. Pat. No. 4,393,387), this rejection is traversed.

As earlier noted, the applied combination of Naiki and Hamada is improper. Kitamura does not remedy the deficiencies in the combination of Naiki and Hamada. It is therefore respectfully submitted that the Office Action has failed to provide a *prima facie* case of obviousness with regard to Claim 24, and it is respectfully requested that this rejection be withdrawn.

With regard to the rejection of Claim 25 under 35 U.S.C. § 103(a) as unpatentable over Naiki in view of Hamada and further in view of Komatsu (U.S. Pat. No. 5,774,248), this rejection is also traversed.

As noted above, the applied combination of Naiki and Hamada is improper. Komatsu does not remedy the defects of the combination of Naiki and Hamada, and it is respectfully requested that this rejection be withdrawn.

Consequently, in view of the foregoing discussion and present amendments, it is respectfully submitted that this application is in condition for allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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